

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

DEBBIE L. TREZVANT, TIMOTHY  
CAHILL, DEBORAH CHERYL ARCH,  
and MARY-CATHERINE PICHE, each  
of them individually and on behalf of all  
others similarly situated and similarly  
situated current and former employees of  
Defendant

Plaintiffs,

v.

FIDELITY EMPLOYER SERVICES  
CORPORATION, FIDELITY  
EMPLOYER SERVICES COMPANY,  
LLC, and FMR CORP.,

Defendants.

Case No. 05-10673 (WGY)

**PLAINTIFFS' AFFIDAVITS IN SUPPORT OF MOTION FOR CONDITIONAL  
COLLECTIVE CERTIFICATION AND FOR COURT FACILITATION OF  
NOTICE PURSUANT TO 29 U.S.C. § 216(b)**

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

DEBBIE L. TREZVANT, TIMOTHY  
CAHILL, DEBORAH CHERYL ARCH,  
and MARY-CATHERINE PICHE, each of  
them individually and on behalf of all  
others similarly situated and similarly  
situated current and former employees of  
Defendant

Plaintiffs,

v.

FIDELITY EMPLOYER SERVICES  
CORPORATION, FIDELITY  
EMPLOYER SERVICES COMPANY,  
LLC, and FMR CORP.,

Defendant.

Case No. 05-10673 (WGY)

AFFIDAVIT OF DEBORAH CHERYL ARCH

AFFIDAVIT

I, Deborah Cheryl Arch, state under penalty of perjury, as follows:

1. I was employed by Fidelity Employer Services Corporation ("FESCO"), and also by FMR Corp. in a job position was known as business analyst from approximately January 2001 through December, 2002. My understanding is that FESCO is a division of FMR Corp or has some similar relation to FMR Corp. Also, my understanding is that FMR Corp. is a subsidiary of Fidelity Investments, whose name was on my paychecks. Although my job position was known as business analyst, there was very little "analysis" involved in my job. I was employed in this position in FESCO's Merrimack, New Hampshire office.

2. FESCO managed employee benefits for its customers, companies with varying numbers of employees, sometimes thousands, sometimes just a few hundred. I believe FESCO is still engaged in that business.

3. My primary duties and tasks as an employee of FESCO were to access information (on FESCO's server) for entry into FESCO's computerized system for management of customers' employee benefits, to enter that information in the computerized system, to observe whether what the items of information that should be shown on the various views/screens in the computerized system were shown there, and to report information to FESCO supervisors and other FESCO employees. The work rarely involved using discretion or independent judgment, as the description of it below shows.

4. Specifically, a large part of my job concerned observing whether new information that customers input into our system regarding new employees or changes for existing employees was showing up correctly on FESCO computerized system. FESCO gave us specific written guidelines and rules to follow to determine if the information was showing up correctly, and our task was simply apply these rules and guidelines to specific situations. For instance, if a customer entered a new employee, we were to follow the guidelines and rules on observing the reports and screens in the FESCO system to observe whether the information on the new employee was showing up correctly on them according to the written guidelines and rules. If we saw it was not we were to report that to supervisors.

5. When I worked for FESCO, there were approximately 380 analysts employed by FESCO in the New Hampshire office where I worked.


6. My usual workday was 10 hours, 5 days per week. I ate lunch at my desk almost always, while working at the same time. In addition, I often brought work home with me to read and/or review. During autumn I also worked Saturdays from 4 to 6 hours, once or twice per month.

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7. I was paid a salary that did not vary with the number of hours I worked. I was not paid overtime.

8. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 30, 2005

  
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Deborah Cheryl Arch  
8/30/05

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

DEBBIE L. TREZVANT, TIMOTHY  
CAHILL, DEBORAH CHERYL ARCH,  
and MARY-CATHERINE PICHE, each of  
them individually and on behalf of all  
others similarly situated and similarly  
situated current and former employees of  
Defendant

Plaintiffs,

v.

FIDELITY EMPLOYER SERVICES  
CORPORATION, FIDELITY  
EMPLOYER SERVICES COMPANY,  
LLC, and FMR CORP.,

Defendant.

Case No. 05-10673 (WGY)

**AFFIDAVIT OF TIMOTHY CAHILL**

**AFFIDAVIT**

I, Timothy Cahill, state under penalty of perjury, as follows:

1. I was employed by Fidelity Employer Services Corporation ("FESCO"), and also by FMR Corp. from approximately July 1999 until the end of 2002. My understanding is that FESCO is a division of FMR Corp or has some similar relation to FMR Corp. From July 2000 until the end of 2002, my job position was known as business analyst, although there was very little "analysis" involved in my job. I was employed in this position in FESCO's Merrimack, New Hampshire office.

2. FESCO managed employee benefits for its customers, usually very large corporations with thousands of employees. I believe FESCO is still engaged in that business.

3. My primary duties and tasks as an employee of FESCO were to receive information from other FESCO employees and other sources, for entry into FESCO's

computerized system for management of customers' employee benefits, to enter that information in the computerized system, to observe whether what the items of information that should be shown on the various views/screens in the computerized system were shown there, and to report information to FESCO supervisors and other FESCO employees. The primary duties and tasks of other analysts employed by FESCO were essentially the same. The work rarely involved using discretion or independent judgment, as the description of it below shows. I also held the job positions technical analyst, configuration analyst, and reporting analyst at FESCO. The primary duties and tasks of those positions were essentially the same as stated above.

4. For example, part of my job and the jobs of other analysts at FESCO concerned FESCO's conversion of its computerized system for management of its customers' employees benefits from a Benesoft software program to an Oracle software system. We located employees' data and mathematical formulas from the Benesoft system and transferred them to the Oracle system. To observe whether the new system was showing the correct information, we input hypothetical data onto templates in the new system observed other reports and other screens in the new system to see if the information we had input showed up on the reports and other screens.

5. As another example, I and other analysts at FESCO received and entered information for the Plan Administration Manuals (PAMs) and the Status Change Matrixes (SCMs, which some people refer to as Status Change Manuals) of various customers of FESCO. These documents are described further below. I received the information to be input mainly by reading the customers' existing benefit plan documents, and by speaking with the FESCO client service managers for the particular FESCO clients (customers) I was working on. The client service managers were FESCO

employees who communicated directly with the clients (customers). I input this information into FESCO's computerized system by typing it into various templates or computer screens in the system. In doing this, I was required to follow specific written directions stating how to fill in the information in the various templates of the Plan Administration Manuals and SCMs, and when I had input the information, I observed various screens/views for the Plan Administration Manuals and SCMs (described below) to see that the items of information I had input correctly appeared where they should.

6. The Administration Manual for a customer showed such things as what were the customers' benefit plans, the types of benefits, the name of the company (such as an insurance company) that provided the benefits to the employees, the different tiers of the benefit plans (such as individual, individual plus spouse, or individual plus family), the costs of the plan for the employer (FESCO's customer) and the employee, and the organizational structure of the employer (for example its different business units or divisions). The SCMs for a customer showed such things as what changes could be made in the employee benefit status of the customer's employees, and what the results of the changes would be. For instance, it showed whether a change could be made if the employee had a new child, and what changes in benefits would result from that.

7. As another example, part of my job and the jobs of other analysts at FESCO concerned observing whether new information that customers input into our system regarding new employees or changes for existing employees was showing up correctly on FESCO computerized system. FESCO gave us specific written guidelines and rules to follow to determine if the information was showing up correctly, and our task was simply apply these rules and guidelines to specific situations. For instance, if a customer entered a new employee, we were to follow the guidelines and rules on

observing the reports and screens in the FESCO system to observe whether the information on the new employee was showing up correctly on them. If we saw it was not we were to report that to supervisors.

8. As a reporting analyst, my primary tasks involved the following:
  - a. Writing “projects” or “modifications” utilizing a business text format already set up by Fidelity. (An example of a “project” would be where the client never had a dental benefit and wanted to purchase such a benefit for their employees. An example of a “modification” would be where a client wanted to increase dental benefits so that there would be a “higher end/coverage” dental benefit for the client than the present dental product that they had through Fidelity.) This rarely involved any discretion or independent judgment on my part. A Customer Service Manager or a member of their team had direct contact with the clients and would convey any project or modification needs to me, and I would simply input the information per the clients’ request into templates in Microsoft Word and Excel, and enter this into Microsoft Access. That is, I would type up projects and modifications, using templates.
  - b. I would send the projects or modifications via e-mail to departments that were to be involved in the project or modification, asking them how much time it would take for them to complete their portion of the project or modification. The departments would tell me how many hours it would take, the cost of their involvement, and how quickly



their part could be completed. I would gather this information via e-mail and send it to other employees of FESCO.

9. My supervisor told me that I was not paid to think, I was paid to work. That was a well-known, frequently repeated statement by supervisors at FESCO.

10. During most times when I worked for FESCO, there were approximately 200 business analysts, technical analysts, configuration analysts and reporting analysts employed by FESCO in the New Hampshire office where I worked and in Marlborough, Massachusetts.

11. While working at FESCO in this job position, my most common number of hours per week was 50. Sometimes it was 60 and more, particularly when I was working on the conversion. After one 60-hour-plus week, I reported my hours to my supervisor, and in answer to a question I explained that despite those long hours, I was not able to finish the work assigned to me. The supervisor slapped her hand down on her desk, saying "unacceptable answer" and that I must work until my work is done.

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12. In this job position I was paid a salary that did not vary with the number of hours I worked. I was not paid overtime. My salary was approximately \$52,000 when I left FESCO.

13. I declare under penalties of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 29, 2005

  
Timothy Cahill

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

DEBBIE L. TREZVANT, TIMOTHY  
CAHILL, DEBORAH CHERYL ARCH,  
and MARY-CATHERINE PICHE, each of  
them individually and on behalf of all  
others similarly situated and similarly  
situated current and former employees of  
Defendant

Plaintiffs,

v.

FIDELITY EMPLOYER SERVICES  
CORPORATION, FIDELITY  
EMPLOYER SERVICES COMPANY,  
LLC, and FMR CORP.,

Defendant.

Case No. 05-10673 (WGY)

AFFIDAVIT OF MARY-CATHERINE PICHE

AFFIDAVIT

1. Mary-Catherine Piche, state under penalty of perjury, as follows:

1. I was employed by Fidelity Employer Services Corporation ("FESCO"), and also by FMR Corp. from approximately October, 2000 to approximately January, 2002. My understanding is that FESCO is a division of FMR Corp or has some similar relation to FMR Corp. My job position was known as project analyst, although there was very little "analysis" involved in my job. I was employed in this position in FESCO's Merrimack, New Hampshire office.

2. FESCO managed employee benefits for its customers, usually very large corporations with thousands of employees. I believe FESCO is still engaged in that business.

3. My primary duties and tasks as an employee of FESCO were to receive information from other FESCO employees and other sources, for entry into FESCO's

computerized system for management of customers' employee benefits, enter that information in FESCO's computer network, and report information back to supervisors. My work rarely involved any discretion or independent judgment. The primary duties and tasks of other project analysts employed by FESCO were essentially the same.

4. In particular, my primary tasks involved the following::

- a. Writing "projects" or "modifications" utilizing a business text format already set up by Fidelity. (An example of a "project" would be where the client never had a dental benefit and wanted to purchase such a benefit for their employees. An example of a "modification" would be where a client wanted to increase dental benefits so that there would be a "higher end/coverage" dental benefit for the client than the present dental product that they had through Fidelity.) A Customer Service Manager or a member of their team had direct contact with the clients and would convey any project or modification needs to me, and I would simply input the information per the clients' request into templates in Microsoft Word and Excel, and enter this into Microsoft Access. That is, I would type up projects and modifications, using templates.
- b. Then I would try to select which other FESCO departments needed to be included on the project or modification. I rarely did this on my own, but instead usually went to my Project Manager, because I was never sure if I was correct in writing the project or modification using business text or in my selection of department. My supervisor

supervised my work to make sure that I did not omit a department and that my business writing was correct.

- c. I would send the projects via e-mail to each department that was to be involved in the project or modification, asking them how much time it would take for them to complete their portion of the project or modification. The departments would tell me how many hours it would take, the cost of their involvement, and how quickly their part could be completed. I would gather this information via e-mail and send it directly (on the standard Fidelity project guideline document) to the Customer Service Manager assigned to the relevant client. The Customer Service Manager would then contact the client and inform the client how much time the project or modification would take and what the cost would be, to determine if the client wanted to have the project or modification done on such terms.

5. I normally worked approximately 10 hours per weekday. In addition, my supervisor firmly suggested that I need to start coming to work for at least one full day, either Saturday, Sunday or both, because it would impress the management team and help me "keep up" with my projects on time. I was surprised at the request, but I complied because I didn't want to lose my job.

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6. I was paid a salary that did not vary with the number of hours I worked. I was not paid overtime. My salary was approximately \$43,000 when I began, and approximately \$43,000 when I left.

7. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on September 2, 2005

  
Mary Catherine Piche

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

DEBBIE L. TREZVANT, TIMOTHY  
CAHILL, DEBORAH CHERYL ARCH,  
and MARY-CATHERINE PICHE, each of  
them individually and on behalf of all  
others similarly situated and similarly  
situated current and former employees of  
Defendant

Plaintiffs,

v.

FIDELITY EMPLOYER SERVICES  
CORPORATION, FIDELITY  
EMPLOYER SERVICES COMPANY,  
LLC, and FMR CORP.,

Defendant.

Case No. 05-10673 (WGY)

**AFFIDAVIT OF DEBBIE L. TREZVANT**

**AFFIDAVIT**

I, Debbie L. Trezvant, state under penalty of perjury, as follows:

1. I was employed by Fidelity Employer Services Corporation ("FESCO"), and also by FMR Corp. from approximately October 2001 to approximately October, 2003. My understanding is that FESCO is a division of FMR Corp or has some similar relation to FMR Corp. My job position was known as business analyst, although there was very little "analysis" involved in my job. I was employed in this position in FESCO's Merrimack, New Hampshire office.

2. FESCO managed employee benefits for its customers, usually very large corporations with thousands of employees. I believe FESCO is still engaged in that business.

3. My primary duties and tasks as an employee of FESCO were to receive information for entry into FESCO's computerized system for management of customers'

employee benefits, to enter that information in the computerized system, to observe whether what the items of information that should be shown on the various views/screens in the computerized system were shown there, and to report information to FESCO supervisors and other FESCO employees. The primary duties and tasks of other analysts employed by FESCO were essentially the same. The work rarely involved using discretion or independent judgment, as the description of it below shows.

4. For example, I and other analysts at FESCO received and entered information for the Plan Administration Manuals and the Status Change Manuals of various customers of FESCO. These documents are described further below. I received the information to be input mainly by reading the customers' existing benefit plan documents, and by speaking with the FESCO client service managers for the particular FESCO clients (customers) I was working on. The clients service managers were FESCO employees who communicated directly with the clients (customers). I input this information into FESCO's computerized system by typing it into various templates or computer screens in the system. In doing this, I was required to follow specific written directions stating how to fill in the information in the various templates of the Plan Administration Manuals and Status Change Manuals, and when I had input the information, I observed various screens/views for the Plan Administration Manuals and Status Change Manuals (the documents I mainly worked on, described below) to see that the items of information I had input correctly appeared where they should.

5. The Administration Manual for a customer showed such things as what were the customers' benefit plans, the types of benefits, the name of the company (such as an insurance company) that provided the benefits to the employees, the different tiers of the benefit plans (such as individual, individual plus spouse, or individual plus family),



the costs of the plan for the employer (FESCO's customer) and the employee, and the organizational structure of the employer (for example its different business units or divisions). The Status Change Manuals for a customer showed such things as what changes could be made in the employee benefit status of the customer's employees, and what the results of the changes would be. For instance, it showed whether a change could be made if the employee had a new child, and what changes in benefits would result from that.

6. As another example, part of my job and the jobs of other analysts at FESCO concerned observing whether new information that customers input into our system regarding new employees or changes for existing employees was showing up correctly on FESCO computerized system. FESCO gave us specific written guidelines and rules to follow to determine if the information was showing up correctly, and our task was simply apply these rules and guidelines to specific situations. For instance, if a customer entered a new employee, we were to follow the guidelines and rules on observing the reports and screens in the FESCO system to observe whether the information on the new employee was showing up correctly on them. If we saw it was not we were to report that to supervisors.

7. As another example, part of my job and the jobs of other analysts at FESCO concerned FESCO's conversion of its computerized system for management of its customers' employees benefits from a Peoplesoft software program to an Oracle software system. We located employees' data and mathematical formulas from the Peoplesoft system and transferred them to the Oracle system. To observe whether the new system was showing the correct information, we input hypothetical data onto

templates in the new system observed other reports and other screens in the new system to see if the information we had input showed up on the reports and other screens.

8. At a meeting, when I brought to the attention of a supervisor a new function in the Oracle system, I was told by the supervisor that I was not paid to think.

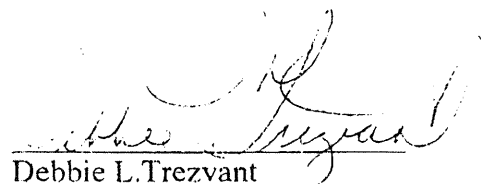
9. When I worked for FESCO, there were approximately + 18 business analysts employed by FESCO in the New Hampshire office where I worked.

10. While I was working on the conversion to the Oracle system, I worked on average from 7:00 a.m. until 9:00 p.m., 7 days per week. During other periods I averaged 10 hours per day, five days per week. I usually ate lunch and sometimes dinner, at my desk, as FESCO had meals brought to my desk..

11. I was paid a salary that did not vary with the number of hours I worked. I was not paid overtime. My salary was approximately \$44,000 when I began, and approximately \$53,000 when I left.


12. I declare under penalties of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 24, 2005

  
Debbie L. Trezvan

State of New Hampshire     ]  
County of Hillsborough    ] ss

Then personally appeared the above named, **Debbie L. Trezvan** personal know to me and being duly sworn and took oath that the above statement by this subscribed is true.

  
Edward A. Starr, Notary Public  
County of Hillsborough  
My Commission expires: June 6, 2006  
